

AMENDMENTS TO THE DRAWINGS

Corrected drawing sheets for FIGS. 1-12, 20-24, 27, 28, and 31 are enclosed. These figures have been amended to overcome the objections raised by the Examiner.

Attached are (10) pages of replacement drawing sheets.

REMARKS

This is in response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed July 30, 2008, which was responsive to the amendment and substitute specification filed May 5, 2008. Consideration of the following revisions to the amendments of May 5, 2008 is requested. Applicants also request that the substitute specification filed with the May 5, 2008 response be entered by the Examiner, following substitution of the afore-indicated revised paragraphs of the May 5, 2008 substitute specification. In view of the revisions made herein, Applicants submit that the response of May 5, 2008 is now fully compliant with 37 C.F.R. 1.121, and reconsideration of the May 5, 2008 amendment and substitute specification is respectfully requested.

Notice of Non-Compliant Amendment

The Examiner states that the substitute specification, including the abstract, filed May 5, 2008 introduces new matter while not overcoming all the objections [presumably those raised in the previous Office Action of January 30, 2008]. In the January 30, 2008 Office Action, the Examiner objected to the substitute specification, including the abstract, filed November 14, 2007, for non-compliance with 37 C.F.R. 1.121.

Abstract

Applicants respectfully submit that new matter has not been added to the abstract. With respect to compliance with 37 C.F.R. 1.121, Applicants thank the Examiner for pointing out that the marked-up version of the amended abstract is shown incorrectly as a single paragraph, when it should be shown as two paragraphs. Applicants have amended the abstract in this response, correctly showing the marked-up version of the last entered abstract as two paragraphs. Applicants submit that the presently amended abstract obviates any objection to the abstract the Examiner may have.

Specification

With respect to new matter being added to the specification, the Examiner has given only one example of such allegedly added matter, *i.e.*, the paragraph on p. 7, from lines 10-12 of the marked-up copy of the substitute specification. Thus Applicants can address only this specific example of added matter. In the substitute specification of May 5, 2008, this paragraph was amended to read:

*“(3) The interlabial pad according to any one of (1) to (2) further including a finger insertion restriction portion that is formed by binding each opposite side face to the **other opposite side face.**” [Emphasis added].*

The Examiner asks where in the original specification it is disclosed that there are “two opposite side faces.” Applicants did not intend to suggest that there are two opposite side faces, but rather, the amendment was intended to clarify that the finger insertion restriction portion is formed by the binding of two opposing faces of a single opposite side face to each other. In order to clarify this intended meaning, Applicants have further amended the substitute specification, as shown on p. 5 of this response, as follows:

*“(3) The interlabial pad according to any one of (1) to (2), further including a finger insertion restriction portion that is formed by **binding two facing portions of said opposite side face to each other.**” [Emphasis added].*

Support for this amendment may be found, *e.g.*, on p. 19, ll. 20-23, and on p. 22, ll. 6-9 of the original specification as filed. Applicants respectfully submit that no new matter has been added and that this further obviates the Examiner’s objection.

The Examiner asks where the specification now discloses the subject matter deleted from p. 10-11. The deleted matter from p. 10-11 disclosed a “nail tip escapement” which allows the fingernail to protrude from the finger insertion cavity, thereby allowing a ball of a finger in the top

joint to contact the side of the interlabial pad opposite the body more tightly. Applicants refer the Examiner to the text of the substitute specification, beginning on p. 30, l. 20 to p. 31, l. 14, which discloses the same subject matter as the deleted text, and, in the Applicants' opinion, fully describes and enables the claimed invention.

Applicants respectfully submit that all subject matter in deleted paragraphs of the substitute specification that is of relevance to the claimed invention has been carefully reviewed to ensure that such relevant subject matter is disclosed elsewhere in the substitute specification.

The Examiner continues to object to the marked-up specification with regard to the objection in paragraph 8 [presumably of the prior Office Action of January 30, 2008]. Paragraph 8 of the January 30, 2008 Office Action cites 35 U.S.C. 112, first paragraph, which requires that the specification be written in "full, clear, concise, and exact terms", and states that the specification should be revised carefully in order to comply with this stature. The Examiner has given specific examples of instances where the amendments to the specification are not fully responsive to the Examiner's objection, specifically, p. 1, ll. 12-14; the paragraph bridging p. 3-4; p. 8, ll. 15-18; and p. 9, ll. 5-8 of the substitute specification. It is unclear whether the Examiner intended these specific paragraphs of the substitute specification to be only representative examples, however Applicants cannot guess as to what other paragraph of the substitute specification the Examiner might object to, and can therefore only address the specific examples that have been cited by the Examiner. Applicants believe they have fully addressed the objections to the cited text of the marked-up copy of the substitute specification of May 5, 2008, as discussed below:

P. 1, ll. 12-14: The Examiner objects to the sentence which reads: "*The present invention relates to an interlabial pad which can be easily worn to the interlabial space with precision and a wrapping body for wrapping the interlabial pad with a wrapping container.*"

Applicants respectfully disagree with the Examiner, and submit that this sentence clearly defines the Technical Field of the invention. Applicants respectfully request the Examiner to provide further details as to the grounds for objection to this sentence, should the Examiner continue to object to this sentence.

Paragraph spanning p. 3-4: The Examiner objects to this paragraph as failing to be clear and concise. As shown on p. 4-5 of this response, this paragraph has been amended to further clarify the intended meaning. Applicants believe the amendment obviates the Examiner's objection.

P. 8, ll. 15-18: The Examiner also objects to this paragraph as failing to be clear and concise. As shown on p. 5 of this response, this paragraph has been amended to further clarify the intended meaning. Applicants believe the amendment obviates the Examiner's objection.

P. 9, ll. 5-8: The Examiner objects to this sentence as failing to be clear and concise. As shown on p. 5-6 of this response, the sentence has been amended to further clarify the intended meaning of the paragraph. Applicants believe the amendment obviates the Examiner's objection.

Drawings

The replacement drawings filed in the Applicants' May 5, 2008 response are objected to because the replacement sheets were incorrectly numbered as being out of 10 replacement sheets rather than out of 16 sheets as filed. This inadvertent error has been corrected, and Applicants re-submit replacement sheets for FIGs. 1-12, 20-24, 27, 28, and 31, which are now correctly numbered as pages 1-6, 11, 12, 14 and 16 of 16, and are believed to be adequately supported by the revised substitute specification filed May 5, 2008. Applicants therefore respectfully request that the replacement sheets be accepted, and that the objection to the drawings be withdrawn.

Claim Objections

The Examiner objects to claim 1. Applicants re-submit the claim amendments filed May 5, 2008, with a further amendment to claim 1 that addresses the Examiner's objection. Applicants request that the arguments made in the May 5, 2008 response be fully considered together with the arguments presented here for the additional amendment to claim 1.

The Examiner objects to claim 1 as no longer reading on the elected mini sheet species exemplified in Figure 14B. The Examiner provides the example that lines 12-15 of amended claim 1 in the May 5, 2008 response do not read on the elected mini sheet species because the claimed mini sheet has "a length of 50% to 80% of a length of the longitudinal centerline along the opposite side face *that extends from the second edge of the interlabial pad*" [Emphasis added], which is not consistent with the structural features of the elected mini sheet species. Applicants thank the Examiner for pointing out that the elected mini sheet species illustrated in Figure 14B does not extend from the second edge of the interlabial pad, but rather, extends *from a position displaced from the second edge*. Applicants have amended claim 1 to reflect the proper position from which the elected mini sheet species extends. Support for this amendment may be found, *e.g.*, on p. 28, ll. 24-26 of the original specification as filed.

The Examiner has also pointed out that amended claim 1 recites that the second edge is "along a longitudinal centerline" and would thus require that the mini sheet piece extend from the side along the longitudinal centerline rather than from a position displaced from the second opposing edge. Applicants thank the Examiner for pointing out this inadvertent error in the wording of the amended claim. Applicants submit that the amendment to claim 1 presented in this response, which now recites: "first and second edges at opposing ends ~~and along of~~ a longitudinal centerline extending in a longitudinal direction of the interlabial pad" further clarifies that the first and second edges are at opposing ends of the interlabial pad and not along the longitudinal centerline.

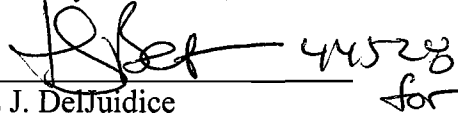
Applicants submit that it is now clear from presently amended claim 1 that the mini sheet piece extends from a position displaced from a second edge which is now properly claimed as being at an opposing end of the longitudinal centerline rather than along the longitudinal centerline, and that claim 1 reads on the elected mini sheet species illustrated in Figure 14B. Accordingly, Applicants submit that the above amendments to claim 1 obviate the Examiner's objections to the claims.

CONCLUSION

It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. Further, Applicants believe that they have fully responded to the Examiner's specific objections to the specification, including the abstract. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

Dated: August 29, 2008

Respectfully submitted,

By  44528 for
Louis J. DeJuidice

Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

Attachments: Appendix with Replacement Figures

APPENDIX FOLLOWS:
REPLACEMENT FIGURES